

**Amendments to the Claims:**

The listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1. (Withdrawn) A method for enhancing production of a desired protein in a plant cell or a plant which comprises inserting a first nucleic acid upstream of a second nucleic acid to form a fused nucleic acid wherein said first nucleic acid encodes a ubiquitin monomer and wherein said second nucleic acid encodes said desired protein and further wherein said fused nucleic acid encodes a fusion protein and further wherein expression of said fusion protein is not under the control of a ubiquitin promoter.

Claim 2. (Withdrawn) The method of claim 1 wherein said ubiquitin monomer consists of SEQ ID NO: 2.

Claim 3. (Withdrawn) The method of claim 1 wherein the carboxy terminus of said ubiquitin forms a peptide linkage with the amino terminus of said desired protein.

Claim 4. (Withdrawn) The method of claim 1 wherein said first nucleic acid comprises bases 3-230 of SEQ ID NO:1.

Claim 5. (Withdrawn) The method of claim 1 wherein said fused nucleic acid is under the control of a 35S promoter.

Claim 6. (Original) A method for enhancing production of a desired protein as part of a fusion protein in a plant cell or a plant which comprises inserting a first nucleic

acid upstream of a second nucleic acid to form a fused nucleic acid wherein said first nucleic acid encodes a protein of SEQ ID NO: 4 and wherein said second nucleic acid encodes said desired protein and further wherein said fused nucleic acid encodes said fusion protein.

Claim 7. (Original) The method of claim 6 wherein the carboxy terminus of said protein of SEQ ID N0: 4 forms a peptide linkage with the amino terminus of said desired protein.

Claim 8. (Original) The method of claim 6 wherein said first nuclcic acid comprises bases 6-47 of SEQ ID NO: 3.

Claim 9. (Original) The method of claim 6 wherein said fused nucleic acid is under the control of a 35S promoter.

Claim 10. (Withdrawn) A nucleic acid vector capable of transforming a plant cell wherein said vector comprises nucleic acid which encodes a fusion protein wherein said fusion protein comprises a ubiquitin monomer linked to a protein of interest and further wherein expression of said fusion protein is not under the control of a ubiquitin promoter.

Claim 11. (Withdrawn) The vector of claim 10 wherein said ubiquitin consists of SEQ ID NO: 2.

Claim 12. (Withdrawn) The vector of claim 10 wherein said ubiquitin is linked in a peptide linkage at its carboxy terminus to the amino terminus of said protein of interest.

Claim 13. (Withdrawn) The vector of claim 10 wherein said nucleic acid is under the control of a 35S promoter.

Claim 14. (Withdrawn) The vector of claim 10 wherein said vector comprises bases 3-230 of SEQ ID NO: 1.

Claim 15. (Original) A nucleic acid vector capable of transforming a plant cell wherein said vector comprises a nucleic acid which encodes a fusion protein wherein said fusion protein comprises a protein of SEQ ID NO: 4 linked to a protein of interest.

Claim 16. (Original) The vector of claim 15 wherein said protein of SEQ ID NO: 4 is linked in a peptide linkage at its carboxy terminus to the amino terminus of said protein of interest.

Claim 17. (Original) The vector of claim 15 wherein said nucleic acid is under the control of a 35S promoter.

Claim 18. (Original) The vector of claim 15 wherein said vector comprises bases 6-47 of SEQ ID NO: 3.

Claim 19. (Withdrawn) A plant cell or a plant comprising the vector of claim 10.

Claim 20. (Original) A plant cell or a plant comprising the vector of claim 15.

Claim 21. (Withdrawn) A nucleic acid comprising SEQ ID NO: 1.

Claim 22. (Withdrawn) A nucleic acid consisting of SEQ ID NO: 1.

Claim 23. (Currently amended) An isolated nucleic acid comprising SEQ ID NO: 3.

Claim 24. (Currently amended) An isolated nucleic acid consisting of SEQ ID NO: 3.

Claim 25. (Withdrawn) A protein comprising SEQ ID NO: 2.

Claim 26. (Withdrawn) A protein consisting of SEQ ID NO: 2.

Claim 27. (Withdrawn) A protein consisting of SEQ ID NO: 4.

Claim 28. (Withdrawn) A fusion protein wherein said fusion protein comprises a ubiquitin monomer at the amino terminus of said fusion protein and wherein said fusion protein comprises a second protein at its carboxy terminus.

Claim 29. (Withdrawn) The fusion protein of claim 28 wherein said ubiquitin monomer consists of SEQ ID NO: 2.

Claim 30. (Withdrawn) The fusion protein of claim 28 wherein the carboxy terminus of said ubiquitin monomer forms a peptide linkage with the amino terminus of said second protein.

Claim 31. (Withdrawn) A fusion protein wherein said fusion protein comprises a protein of SEQ ID NO: 4 at the amino terminus of said fusion protein and wherein said fusion protein comprises a second protein at its carboxy terminus.

Appl. No. 09/857,841  
Amendment dated March 29, 2005  
Reply to Office Action of December 29, 2004

Claim 32. (Withdrawn) The fusion protein of claim 31 wherein the carboxy terminus of said protein of SEQ ID NO: 4 forms a peptide linkage with the aminoterminus of said second protein.